Appl. No. 09/814,511
Amdt. Dated June 11, 2004
Reply to Office Action of March 11, 2004

Attorney Docket No. 10961404-1

## Remarks & Arguments

In the Office Action, the Examiner noted that Claims 1-14 are pending in the application, and that Claims 1-14 are rejected. By this amendment, Claims 1, 8 and 10-14 have been amended and Claim 15 has been added. Thus, Claims 1-15 are pending in the application. The amendments to the claims do not add new matter to the application. The Examiner's rejections are traversed below.

*Rejections Under 35 USC 102 and 103*

Claims 1-14 stand rejected under 35 USC 102(e) as being anticipated by Sreedhar et al. (USPN 6,182,284). With regard to Claim 1, the rejection alleges that Sreedhar discloses "introducing an associated ordered guard on each source operand in a control or predicate Φ instruction". The rejection appears to rely upon the assertion that "predicate" and "declare" are equivalent. Applicants respectfully assert that "declare" as utilized by Sreedhar and others skilled in the art is defined to mean a binding of one or more identifiers to the corresponding information that related to each. Predicate as defined in the present application is a Boolean value, such as "True" or "False". In predicated code, predicates are used to guard the execution of instructions. Under predicated execution, each instruction has an associated predicate which, if true, then the instruction is actually executed and which, if false, then the instruction is effectively non-operational (Page 3, lines 14-18). Thus, the terms "declare" and "predicate" are not equivalent.

Applicants also respectfully assert that Sreedhar does not teach or suggest materializing a $\Phi$ function (e.g., predicate $\Phi$ function) in predicate code. The disclosure of Sreedhar is limited to materializing a $\Phi$ function (e.g.. control $\Phi$ function) in branching code. The $\Phi$ instruction (e.g., control $\Phi$ instruction) in Sreedhar represents the confluence of definitions at a join point. (Column 5, lines 23 through Column 15, line 11). The $\Phi$ instruction (e.g., predicate $\Phi$ instruction) as claimed represents the confluence of definitions in a straight line of code in which some of the definitions have been predicated and the confluence of definitions at a join point. With the introduction of predicated execution, the confluence of definitions is no longer confined to join points in a control flow graph. Thus, the teaching of Sreedhar cannot resolve interferences introduced between the $\Phi$ target and its source by simply placing copy instruction on the incoming edges at the join point.

For the above-advanced reasons Sreedhar does not teach or suggest the invention of independent Claim 1. Claims 2-12 are dependent upon Claim 1 and include all the limitation thereof. Thus, Claims 2-12 are patentable over Sreedhar for the reasons advanced in support of Claim 1.

With regard to Claim 13 and 14, Applicants respectfully assert that the terms "declare" and "predicate" are not equivalent. Furthermore, Sreedhar does not teach or suggest materializing a $\Phi$ function (e.g., predicate $\Phi$ function) in predicate code. Instead, the disclosure of Sreedhar is limited to materializing a $\Phi$ function (e.g.. control $\Phi$ function) in branching code.

Accordingly, Sreedhar does not anticipate the present invention defined by Claims 1-

15, Withdrawal of the rejection of Claims 1-14 is therefore respectfully requested.
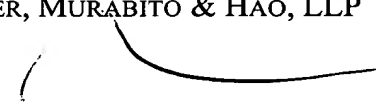
## Conclusion

For all the reasons advanced above, Applicants respectfully submit that the present

application is in condition for allowance and that action is earnestly solicited. The Examiner

is invited to contact Applicants' undersigned representative if the Examiner believes such

action would expedite resolution of the present Application.

The Commissioner is hereby authorized to charge any additional fees, which may be

required for this amendment, or credit any overpayment, to Deposit Account 08-2025. In the

event that an extension of time is required, or may be required in addition to that requested in

a petition for an extension of time, the Commissioner is requested to grant a petition for that

extension of time which is required to make this response timely and is hereby authorized to

charge any fee for such an extension of time or credit any overpayment for an extension of

time to Deposit Account 08-2025.

Respectfully submitted,

WAGNER, MURABITO & HAO, LLP

Dated: ___6/17/04___

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